

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5823  
Citizens Club for Growth, Inc. (f/k/a )  
Club for Growth, Inc.); Citizens Club )  
for Growth, Inc. PAC and Pat Toomey, )  
in his official capacity as treasurer (f/k/a )  
Club for Growth, Inc. PAC); Walberg )  
for Congress and Jeffrey Yeutter, in his )  
official capacity as treasurer )

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission  
executive session on May 01, 2007, do hereby certify that the Commission decided  
by a vote of 5-0, on an amended pre-meeting tally, to take the following actions in  
MUR 5823:

1. Dismiss as a matter of prosecutorial discretion allegations that Citizens Club for Growth, Inc., formerly known as Club for Growth, Inc., violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions, or, in the alternative, made prohibited corporate expenditures in violation of 2 U.S.C. § 441b.
2. Find no reason to believe that Citizens Club for Growth, Inc., formerly known as Club for Growth, Inc., violated 2 U.S.C. § 441b by making prohibited in-kind contributions in the form of coordinated communications to Walberg for Congress and Jeffrey Yeutter, in his official capacity as treasurer.
3. Find no reason to believe that Citizens Club for Growth, Inc. PAC and Pat Toomey, in his official capacity as treasurer, formerly known as Club for Growth, Inc. PAC, violated 2 U.S.C. §§ 434 and 441a(a)(1) by making and failing to report excessive in-kind contributions in the form of coordinated communications to Walberg for Congress and Jeffrey Yeutter, in his official capacity as treasurer.

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4. Find no reason to believe that Walberg for Congress and Jeffrey Yeutter, in his official capacity as treasurer, violated 2 U.S.C. §§ 434 and 441a(f) by knowingly accepting and failing to report excessive in-kind contributions in the form of coordinated communications.
5. Find no reason to believe that Citizens Club for Growth, Inc., formerly known as Club for Growth, Inc., violated 2 U.S.C. § 441b by funding candidate endorsements featured on the website it shares with Citizens Club for Growth, Inc. PAC.
6. Find no reason to believe that Citizens Club for Growth, Inc. PAC and Pat Toomey, in his official capacity as treasurer, formerly known as Club for Growth, Inc. PAC, violated 2 U.S.C. § 434 by failing to report disbursements associated with candidate endorsements featured on its website.
7. Find no reason to believe that Citizens Club for Growth, Inc. PAC and Pat Toomey, in his official capacity as treasurer, formerly known as Club for Growth, Inc. PAC, violated 2 U.S.C. §§ 434 and 441a(a)(1) by making and failing to report excessive in-kind contributions in the form of coordinated communications in connection with candidate endorsements featured on its website.
8. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated April 3, 2007.
9. Approve the appropriate letters.
10. Close the file.

Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub  
voted affirmatively for the decision.

Attest:

May 1, 2007  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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